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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

JOHN J. MENDOZA,

Plaintiff,

v.

MICHAEL J. ASTRUE¹,
 Acting Commissioner of
 Social Security,

Defendant.

Case No. C-06-4392 JF

STIPULATION AND ORDER AWARDING
 ATTORNEY FEES UNDER THE EQUAL
 ACCESS TO JUSTICE ACT (28 U.S.C.
 § 2412(d)) AND COSTS (28 U.S.C. § 1920)

IT IS HEREBY STIPULATED by the parties, through their undersigned counsel, subject to the approval of the Court, that Plaintiff's attorney be awarded attorney fees under the Equal Access to Justice Act (EAJA) in the amount of FOUR THOUSAND EIGHT HUNDRED FIFTY DOLLARS AND NO CENTS (\$4,850.00), and costs under 28 U.S.C. § 1920 in the amount of THREE HUNDRED SEVENTY-ONE DOLLARS AND THIRTY-TWO CENTS (\$371.32). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action for services performed before the district court in accordance with 28 U.S.C. §§ 1920 and

¹ On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security and should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as Defendant in this action. 42 U.S.C. § 405(g); Fed. R. Civ. P. 25(d)(1).

1 2412(d).

2 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees
3 and does not constitute an admission of liability on the part of Defendant under the EAJA. Payment in
4 the aforementioned sum under EAJA shall constitute a complete release from and bar to any and all
5 claims, rights, causes of action, liens or subrogated interests relating to attorneys fees and costs incurred
6 in this action under EAJA.

7 The settlement of Plaintiff's claim for EAJA attorney fees does not preclude Plaintiff's counsel
8 from seeking attorney fees under 42 U.S.C. § 406(b) of the Social Security Act, subject to the offset
9 provisions of the law.

10 Respectfully submitted,

11 Dated: September 11, 2007

/s/ Harvey P. Sackett

(As authorized by fax)

HARVEY P. SACKETT
Attorney for Plaintiff

14 Dated: September 11, 2007

SCOTT N. SCHOOLS
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX
Social Security Administration

18 /s/ John C. Cusker

Special Assistant United States Attorney

21 IT IS SO ORDERED:

23 Dated: 9/14/07


THE HONORABLE JEREMY FOGEL
United States District Judge